

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090773

06/18/2012

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT

I. Ostrander

Deputy

IN RE THE MATTER OF  
JEFFREY ENEBOE

JEFFREY ENEBOE  
1642 E BRUCE AVENUE  
GILBERT AZ 85234

AND

ALISHA FREUND

DIANA I RADER

FAMILY COURT SERVICES-CCC

**UNDER ADVISEMENT RULING**

This matter was taken under advisement on April 19, 2012. The Court has considered the evidence presented and has reviewed the hearings on FTR. The Court comes back to the same conclusion, that the report and recommendation set forth in Dr. Mellen's report best meet the needs of the minor child.

**CUSTODY**

Custody is at issue. The determination of the issue is statutorily controlled. A.R.S. § 25-403(A) sets forth the factors to be considered. Those factors, as well as the Court's findings thereon, are as follows:

- *The wishes of the child's parent or parents as to custody.*

**The Court adopts the findings set forth on page 21 in Dr. Mellen's report.**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090773

06/18/2012

- *The wishes of the child as to the custodian.*  
**The minor child is too young to make her wishes known.**
- *The interaction and interrelationship of the child with the child's parent or parents, the child's siblings, and any other person who may significantly affect the child's best interest.*  
**The Court adopts the findings set forth on page 22 of Dr. Mellen's report.**
- *The child's adjustment to home, school, and community.*  
**The Court adopts the findings set forth on page 22 of Dr. Mellen's report.**
- *The mental and physical health of all individuals involved.*  
**Other than the stresses of a conflict-driven parenting relationship, the parties enjoy normal mental and physical health.**
- *Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.*  
**The Court adopts the findings set forth on page 22 of Dr. Eneboe's report.**
- *Whether one parent, both parents, or neither parent has provided primary care of the child.*  
**Mother has been the primary care provider for the minor child. Both parents provide care for the minor child during their respective parenting time.**
- *The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.*  
**This is not a relevant factor in this case.**
- *Whether a parent has complied with chapter 3, article 5 of this title.*  
**Both parents attended the class, obtained the certificate, and filed it with the Court.**
- *Whether either parent was convicted of an act of false reporting of child abuse or neglect under § 13-2907.02.*  
**Neither parent has been convicted for the act of false reporting of child abuse or neglect.**
- *Whether there has been domestic violence or child abuse as defined in § 25-403.03.*  
**Father had sought an Order of Protection against his current wife, then withdrew the petition.**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090773

06/18/2012

**Legal Custody**

**IT IS THEREFORE ORDERED** as follows:

- A. The parties are awarded joint legal custody of the minor child.
- B. Each parent is entitled to full and unrestricted access to all medical, dental, prescription, and health-related records of the child and each parent may secure information from, and consult with, all healthcare professionals involved with the minor child. Each party shall keep the other parent informed of the names, addresses, and telephone numbers of all healthcare providers of the child.
- C. Each parent is entitled to full and unrestricted access to all school records, teachers, and school officials involved in the child's schooling.
- D. Both parents shall be listed and identified as contact persons on all records.
- E. In the event of any emergency or urgent circumstance involving the child, the other parent shall be notified as soon as is reasonably possible.
- F. Each parent shall have the right to attend and participate in school, extra-curricular, conference, organized activity, or other similar event in which parents are routinely invited or permitted to attend.
- G. Each parent shall keep the other apprised of his or her home address, home telephone number, employer and address, work telephone number and, if applicable, cellular telephone number and e-mail address.
- H. It is in the furtherance of the child's best interests for the parents to confer and for the views of each parent to be considered. There shall be communication between the parents to address day-to-day and more significant issues. They shall develop their communication by utilizing e-mail as their primary method for communication. This shall afford a method that ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090773

06/18/2012

- I. It is anticipated that parental decisions shall be required for major issues in raising the child and in meeting his on-going needs. The parents shall address the issues if/when they arise. Each party shall give good faith consideration to the views of the other. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input. If the parents cannot agree after making a good faith effort to come to an agreed upon decision, Mother shall have “presumptive decision making authority.” This level of authority shall allow Mother the right to make a preliminary decision that she shall then communicate to Father. If Father believes that her decision is contrary to the best interests of the child, he shall have the right to seek review thereof through the Court. Father shall have the burden to demonstrate that the decision made by Mother is contrary to the child’s best interests. It shall not be sufficient for him to demonstrate that an alternative decision may have also been in the interest of the child.

**Physical Custody and Parenting Time**

As part of the joint legal custody award, Mother shall be designated as the primary residential parent. Father’s parenting time shall be as follows:

- **Regular Access** – The Court adopts in their entirety the recommendations of Dr. Mellen set forth on pages 23 – 26 of her report. The parties will further address parenting time at the status conference set in this matter.

**CHILD SUPPORT**

For child support purposes, the Court makes the following findings:

Mother’s Income	\$2,811.00
Father’s Income	3,822.00
Basic Support Obligation	966.00
Parenting Time Adjustment (56 days)	5%

In applying these findings under the Arizona Child Support Guidelines,

**IT IS ORDERED that Father shall pay child support to Mother in the total amount of \$482.64 per month, commencing July 1, 2012.** All payments shall be made through the Support Payment Clearinghouse via an automatic *Income Withholding Order* issued this date. Father is advised that until such time as the *Income Withholding Order* becomes effective, Father

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090773

06/18/2012

has an affirmative obligation to pay the child support directly to the Support Payment Clearinghouse in accordance with the instructions for making payments through the Clearinghouse attached hereto.

The *Income Withholding Order* is initiated electronically by the above-named deputy clerk; confirmation no. 374991.

**IT IS FURTHER ORDERED** that Father shall complete and file with the Clerk of the Court the *Current Employer Information* form attached hereto.

All obligations for child support for each child shall terminate when each child attains the age of 18 years or is otherwise emancipated. In the event any child attains the age of 18 years while attending high school, support shall continue to be provided during the period in which said child is actually attending high school but only until the child reaches 19 years of age. Provisions for health insurance and non-insured health expenses for the child, as provided for below, shall be deemed to be additional child support and shall be enforceable as such.

Pursuant to A.R.S. § 25-503 (I), the right of a parent, guardian, or custodian to receive child support payments as provided herein vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law.

**EXCHANGE OF INCOME INFORMATION**

The parties shall exchange income information every 24 months from the date of the entry of the Decree of Dissolution of Marriage for so long as Father has an obligation to pay child support. Said financial information shall include, but not be limited to, personal tax returns with all schedules, affidavits of financial information, earning statements, and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

**IT IS FURTHER ORDERED** that any non-covered medical, dental, orthodontic, optical, and prescription expenses, as well as deductibles and co-pays, shall be paid 50 percent by Father and 50 percent by Mother.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090773

06/18/2012

**DEPENDENCY EXEMPTION**

**IT IS ORDERED** that Father may claim the dependency exemption applicable to the minor child in even-numbered years and Mother may claim the dependency exemption in odd-numbered years. If the parties are already on an alternating yearly schedule of claiming the minor child, they shall continue on the same schedule.

**IT IS FURTHER ORDERED** that each party shall execute any IRS forms required in order to implement these terms, including IRS Form 8332.

**IT IS FURTHER ORDERED** that Father's right to claim the exemption in any given year is conditioned upon payment by Father by December 31<sup>st</sup> of the total Court-ordered monthly child support obligation for that calendar year and any Court-ordered arrearage payments due during the calendar year for which the exemption is to be claimed.

**ATTORNEY FEES**

An award of attorney fees is controlled by A.R.S. § 25-324. It provides that the award may be based upon either the financial resources of both parties or the reasonableness of positions taken during the proceedings.

The parties have briefed the issue of attorney fees and allocation of expert witness fees, which the Court will address in a separate minute entry.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81 (D), Arizona Rules of Family Law Procedure.

DATED this 18<sup>th</sup> day of June 2012.

/S/ HONORABLE TIMOTHY J. RYAN

---

HONORABLE TIMOTHY J. RYAN  
JUDICIAL OFFICER OF THE SUPERIOR COURT

FILED: Exhibit Worksheet  
Child Support Worksheet

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-090773

06/18/2012

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

JEFFREY ENEBOE: Non IV-D Payment Instructions, Current Employer Information